Supreme Court, U.S.
FILED

No. _____

01676 AUG 6 2001

In The

OFFICE OF THE CLERK

Supreme Court of the United States

MARY ANN LOVELL,

Petitioner,

v.

CLAIBORNE MANOR NURSING HOME, INC.;
BILL COPELAND,

Respondents.

and

MARY ANN LOVELL,

Petitioner,

v.

J. BROOCKS GREER, III; KENNETH VOLENTINE,
SHERIFF OF CLAIBORNE PARISH;
WAYNE TIMMONS; JOHN SLATTERY,

Respondents.

**On Petition For A Writ Of Certiorari
To The United States Court Of Appeals
For The Fifth Circuit**

PETITION FOR A WRIT OF CERTIORARI

Counsel:
MARY ANN LOVELL
5005-58803R
United States Department of the Treasury
Meaker Glover White Estate
726154238
MARY ANN LOVELL
Attorney in Fact
Box 119
Haynesville, Louisiana 71038
MARY ANN LOVELL
Counsel of Record

August 3, 2001

SCPP

QUESTIONS PRESENTED

No. 00-31285 Lovell v. Claiborne Manor

USDC No. 00-CV-275

Correcting our letter dated June 25, 2001, the $105 sanction payment received on June 22, 2001, has been applied to the $105 sanction imposed in case number 00-30735 on December 13, 2000. There was no additional monetary sanction imposed in case number 00-31285. We note also that a $250 sanction imposed in case number 00-30878 remains outstanding.

By copy of this letter, I also advise the district court that the sanction has been satisfied in appeal number 00-30735. Sincerely, Charles R. Fulbruge III, Clerk, By: Allison Lopez. Deputy Clerk. Letter Dated July 3, 2001, United States Court of Appeals, Fifth Circuit.

No. 00-30735 Lovell v. Claiborne Manor

USDC No. 00-CV-275

No. 00-30878 Lovell v. Greer

USDC No. 99-CV-2120

No action is being taken on your "Notice of Intervention" with attached documents referencing these cases. These cases are closed and no further rulings will be entered. Sincerely, Charles R. Fulbruge III, Clerk, By: Allison Lopez, Deputy Clerk. July 3, 2001. United States Court of Appeals, Fifth Circuit.

QUESTIONS PRESENTED – Continued

But among you there are some who do not believe (John 6:64)

What is the manna of the lower courts ruling as to claims filed by Petitioner based on reason and common sense justified in light of the proven facts before the court?

Records in these captions reveal a blatant violation of basic and elementary principles of law that caused willful harm to Mary Ann Biddle Lovell, Petitioner, including the unanswered questions as so stated in all of the above filed briefs. No proper standards have been applied in deciding these supra cases. The conclusions are only a matter of the highest importance. The fundamental law of the *Bill of Rights: 4th, 5th, 6th, and 14th Amendments* are no more than fundamental unanswered questions of the court.

The gravity of the problem is that the lower courts have attempted to use a Petition for the Appointment of a Conservator as a weapon against an Attorney-in-Fact appointed under a Durable Power of Attorney, in order to attempt to gain control over the care and/or finances of Meaker Glover White Estate. Evidence from the document *"Notice of Intervention" with attached documents filed in No. 00-31285; 00-30735; and 00-30878 in the Fifth Circuit Court of Appeals, to wit:*

Evidenced Page 3 of the "Notice of Intervention"

The Second Judicial District Court In and For the Parish of Claiborne

QUESTIONS PRESENTED – Continued

State of Louisiana *Probate Docket No. 8823*

SUCCESSION EDMOND WHITE, JR.,

FILED AUG 10, 2000, By Clerk: Jo Ann Hansen

The intent was to nullify the Durable Power of Attorney or any authority inherited by Petitioner Mary Ann Biddle Lovell. The records are evidenced in numerous frequent filings by Petitioner. The conduct of Respondents has been abusive to Mary Lovell, Meaker Glover White Estate, and ***one abuse is one abuse too much***. The end result has been chaotic to Petitioner, and Respondents are known for filing facially valid, but invalid documents to gain Mary Lovell's assets, Meaker Glover White Estate, as substantially evidenced in the ***exhibits*** introduced to the court in Petitioner's *"Notice of Intervention"* filed in No. 00-31285; 00-30735; and 00-30878 in the United States Court of Appeals, Fifth Circuit in response to No. 00-31285, Conference Calendar filed June 20, 2001.

PARTIES TO THE PROCEEDING

All parties to the proceeding in the court of appeals are identified in the caption. Pursuant to Supreme Court Rules 18.2; 12.4; and 12.6, petitioner states there are no parent or subsidiary companies of Mary Lovell Company to be listed.

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REASON(S) FOR GRANTING PETITIONS

1. U. S. Department of Justice, Civil Rights Division (Exhibit 6 "Notice of Intervention") Disability Rights Section, P. O. Box 66738, Washington, DC 20035-6738, May 3, 2001 infra:

We have received your letter 4/24/01, which indicates that you have filed a complaint with a court or government agency. Because you have filed your complaint appropriately, this office will take no further action regarding your letter. Please accept our apology for the delay in responding to your complaint. Sincerely, Robyn Fairshter, Intake Supervisor, Disability Rights Section.

This application will enlighten the Department of Justice, Civil Rights Division as to the need to look into said allegations on behalf of the Petitioner, Mary Ann Biddle Lovell.

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2. Petitioner, Mary Ann Biddle Lovell intended with the letter dated June 25, 2001, received June 27, 2001 that the "Notice of Intervention" with the payment filed was for a "Petition for Rehearing" to wit:

00-31285 Lovell v. Claiborne Manor

USDC No. 00-CV-275

3. This caption was Before Wiener, DeMoss, and Dennis, Circuit Judges. PER CURIAM:

This appeal stems from a long string of frivolous lawsuits filed by Mary Ann Biddle Lovell in connection with the events surrounding the succession of Mrs. Meaker Glover White. In the instant appeal, Lovell challenges the district court's award of a $2,500 sanction pursuant to Fed. R. Civ. P. 11. She argues that (1) there existed no legal process under which sanctions could have been ordered; (2) the defendants lacked standing to request sanctions; and (3) the defendants failed to prove the assessment and fees which supported the award of sanctions.

This court ordinarily reviews the imposition of sanctions for an abuse of discretion. See, Riley v. City of Jackson, Miss., 99 F. 3d 757, 759 (5th Cir. 1996).

Abuse is the root in these filed suits that are considered frivolous by the court with inaccuracies that caused breaking of the law at the local, state, and federal levels. These faulty documents filed at the lower courts ridicule Petitioner, and opens doors for continuous wrongdoings that keep the abusiveness flowing.

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4. *Correcting our letter dated June 25, 2001, the $105 sanction payment received on June 22, 2001, has been applied to the $105 sanction imposed in case number 00-30735 on December 13, 2000. There was no additional monetary sanction imposed in case number 00-31285. We note also that a $250 sanction imposed in case number 00-30878 remains outstanding.*

By copy of this letter, I also advise the district court that the sanction has been satisfied in appeal number 00-30735. Sincerely, Charles R. Fulbruge III, Clerk. By Allison Lopez, Deputy Clerk. July 3, 2001.

No. 00-31285 Lovell v. Claiborne Manor

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"Why did the Respondents illegally break into my residence confiscating my property: 1980 Friendship Drive, Haynesville, Louisiana?" ___mabl

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OPINIONS BELOW

The Per Curiam Opinion of the United States Court of Appeals for the Fifth Circuit was filed on June 13, 2001. The Order striking the petition for rehearing by the Court of Appeals for the Fifth Circuit was filed on July 23, 2001.

STATEMENT OF JURISDICTION

"A vast potential for evil arises at this point. Since government is the organized use of force, rather than protecting the individual, it can be used by tyrants to take someone's life, liberty, or property . . . "

"There are all sorts of reasons – financial, emotional, parental responsibility, even revenge – to having a will. Your will is your voice speaking from the grave, continuing to control assets, events, and people, years after your death. That's more power than a lot of us have in our lifetime, so why not take advantage of it in death?" [*The Basics Getting Your Estate in Order: A will provides a way* by Ginger Applegarth (17 July 2000)].

The SUPREME COURT OF THE UNITED STATES is the highest court in the national judiciary, possessing the authority to lay down the terms of its appellate jurisdiction. The offices of the Court are in Washington, D.C. The Supreme Court was established by Article III of the U.S. Constitution, which describes the jurisdiction of the Court as follows:

"The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made under their

authority . . . " The Court held its first session in New York City on Feb 2, 1790.

In addition to handling matters appropriate to the highest court of the land, including the interpretation of federal statutes, the Supreme Court operates principally as an appellate Appeals.

The Supreme Court has complete authority over all U.S. courts. The Court's powers extend to all cases in which the U.S. is a party and to cases between governments or citizens of different states.

At least the first eight Amendments and probably the first ten Amendments are collectively known as the *Bill of Rights*. Originally the *Bill of Rights* only applied to the Federal government, but as a result of how the cases interpreted *Amendment XIV*, these rights also bind the state governments.

Due process is mentioned in both the *5th* and *14th* Amendments. *Equal protection* in the *14th* Amendment is interpreted to be included in the *5th* Amendment. Search and seizure is listed in both the *4th* and *5th* Amendments, and has been incorporated as part of due process in the 14th Amendment. Thus Congress can legislate the existence a jurisdiction of federal inferior courts below the U.S. Supreme Court level. Under the general residual power left to the states by the Tenth Amendment, all other cases are tried in the state courts.

The *U.S. Constitution, Article III, section 2* outlines the jurisdiction of the federal courts: . . . All cases in law and equity arising under the United States Constitution, laws of the United States, treaties, and cases of admiralty and

maritime jurisdiction. Under these provisions the treaties, or laws relating to navigable waters.

The jurisdiction of the highest U.S. court is: . . . appellate jurisdiction involving: . . . review by appeal (a matter of right where a lower federal court has invalidated a state statute, or where a highest state court has upheld a federal statute).

There are presently 13 different circuits. Certain circuits are noted for the quality of their decisions, and there are criticisms of inter-circuit rivalry.

Each state has one or more district courts, with the following jurisdiction: . . . It includes jurisdiction over all offenses against the laws of the United States; cases where the U.S., a national bank, or I.R.S. is a party, and may include civil right cases, election disputes, and other jurisdiction spelled out by federal legislation. . . . Concurrent jurisdiction with state courts: If *"federal question"* where controversy arises under the Constitution, laws, or treaties of the United States and more than $10,000 is involved. . . .

The United States District Court erred in Report and Recommendation filed 3/16/00 signed by Roy S. Payne, United States Magistrate Judge. The United States District Court had jurisdiction on the basis: *Plaintiff acted by filing a suit that is true, material, wholly substantial, and not frivolous, or designed solely to obtain federal jurisdiction.* It was PLAIN ERROR: "COURTS must be careful not to confuse the existence of jurisdiction with the ability of a plaintiff to succeed on the merits." [Line 6 and 7, Supra Report and Recommendation, Page 2.]. . . .

On the Contrary, Plaintiff claim is solely based on merits. The Court of the 20th Century promotes social welfare. The right was severely tested in the 20th century during the first two terms of President Franklin D. Roosevelt.

The concern for Social Issues was a distinguishing feature of the Court's decisions under Chief Justice Earl Warren. In *Brown v. Board of Education of Topeka (1954)*, the landmark case concerning racially separate school facilities in states, the Court held that state-prescribed public school segregation was a violation of the equal protection clause of the 14th Amendment to the Constitution. Another series of cases, beginning with *Baker v. Carr (1962)*, which concerned electoral apportionment in A Tennessee, led to the decision supporting the doctrine of "one person, one vote," that election districts must be equal in population. Such cases as *Gideon v. Wainwright (1963)* and *Miranda v. Arizona (1966)* considered the rights of defendants in criminal cases and initiated a debate on the rights of the individual in relation to the necessary powers of the government.

After the enumeration of powers in Article 1, Section 6, the Constitution grants Congress further authority to "make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by the Constitution in the government of the United States, or in any department or office thereof."

Despite the fact that the states are supreme in their sphere of activities, the federal Constitution and national

laws constitute the supreme law of the land when conflicts arise from attempts of both jurisdictions to govern the same subject matter. The supremacy of national authority is indicated by *Article VI, clause 2*, of the Constitution, which provides as follows:

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the Constitution or laws of any state to the contrary notwithstanding.

To sum up the division of judicial powers: The God who gave us life gave us liberty at the same time.

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The level of United States courts immediately below the Supreme Court, and from which most decisions are appealed, is the United States Court of Appeal. The courts of appeal have been around since 1891.

Appellant's preamble demonstrates or tends to demonstrate that the district judge made an error of law or an error in procedure.

In accordance with La Code of Civ Proc Ann arts 2162, the categories of cases which summarily terminate the appellate process before final judgment is established by four things which justify dismissal of an appeal: (1) consent of all parties; (2) lack of appellate court jurisdiction; (3) lack of right to appeal; and (4) abandonment

under the appellate court rules. The second paragraph establishes some options of dismissal, allowing an appellate court which has no jurisdiction over an appeal to transfer the appeal to the appropriate appeals court . . . "Enlighten people generally, and tyranny and oppression of body and mind will vanish like evil spirits at the dawn of day." – Thomas Jefferson (1774)

STATUTES INVOLVED

Respondents lack standing in the Second Judicial District, Claiborne Parish, Homer, Louisiana, but they preyed on the judges' decisions in "facial valid, but false" documents in all of their filings specified on records in the mentioned cases and briefs filed in the lower courts. All of the details were brought to the attention of the lower courts, but nothing was done to rectify these specified problems. The rulings favored the Respondents only because they were licensed by the Louisiana Supreme Court, not for the nature and scope of the law: local, state, and federal.

The essential point of the Fourth Amendment altogether is "The right to be secure in our persons, to go in and close the door, to shut the world out, to be let alone, should not be weakened in any way." By confining the inquiry to its effect on criminal prosecutions, . . . The right of the people to be secure in their persons, etc., shall be respected by the awesome power of government. This has been previously addressed in terms parallel to a Fifth amendment concern with deprivation of property and liberty. . . . I think that it speaks also to a right of privacy,

a right to be let alone, to be secure in one's castle from all, including the king himself. He has no right to cross my threshold without good reason. And even the king cannot make the call as to what constitutes good reason. That conclusion must be reached by a magistrate, a judicial office, before which tenets even kings must bow. *Mapp v. Ohio.* (Posted by Girty on April 27, 1998 at 20:21:50 In Reply to: RE: *The Fourth Amendment* posted by G. Potter Gripe on April 21, 1998 at 02:08:23).

It is the Respondents that have disobeyed the law and are the ones that should be made to pay for their contempt to the court and their failure to produce valid reasons for violations of the United States Constitution Fourth Amendment illegal search and seizure of my property at 1980 Friendship Drive, Haynesville, Louisiana DETAILED "records on appeal." "A judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned . . . " ETHICS is " . . . disqualification." Further, Canon 3C of the Code of Judicial it is the obligation of a judge to disclose all facts that might be grounds for Conduct, adopted in 1990 by American Bar Association. Under Canon 3 of the Code of Judicial Conduct, Judge Berrigan had a duty to disclose her association with Tulane before sitting in any case in which Tulane was a defendant. From January, 1995 onward, Judge Berrigan continuously violated this Code with respect to the complainant's lawsuits against Tulane University when she sat and failed to make any disclosure. "It is not the duty of the parties to search out disqualifying facts about the judge . . . it is the judge's obligation to disclose all possibly disqualifying facts."

In these proceedings I question the impartiality of the court, in particular, the Second Judicial District Court who may have endorsed the Appellees in wrongdoing et al. in supra cases mentioned: Probate Dockets 7734; 7765; and Civil Suit 32594, even after being warned of impropriety and the numerous facial valid but false documents filed by Respondents et al. Is the Respondent's friendship greater than upholding the law and abiding by the canon?

CANON 29 of the American Bar Association's Canons of Professional Ethics, adopted by the ABA in Seattle on August 27, 1908, directed that "lawyers should expose without fear or favor before the proper tribunals corrupt or dishonest conduct in the profession." Washington long ago adopted that directive. Although the former canons have been superseded, current ethical rules still echo this directive. Perhaps because of this mixed legacy of the past and reality of the present, there are many questions about a lawyer's duty to report.

RULE – Washington lawyers are governed by the *Supreme Court's Rule of Professional Conduct (RPCs). RPC 8.3*, captioned "Reporting Professional Misconduct," govern a lawyer's duty to report misconduct. It states: (a) A lawyer having knowledge that another lawyer has committed a violation of the *Rules of Professional Conduct* that raises a substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, should promptly inform the appropriate professional authority. . . .

Judges, as lawyers, are subject to *RPC 8.3s* duty to report. In addition, *Canon 3(C) of Washington's Code of*

Judicial Conduct states that when judges have actual knowledge of another judge's or lawyer's misconduct which raises a substantial question as to their fitness for office (judges) or as a lawyer (lawyers), they "should take or initiate appropriate corrective action, which may include informing the appropriate authority."

Petitioner under mandatory duty believe that by filing all captions as mentioned in the courts Reports and Recommendations that this reporting should represent an honor to my professional duty of Meaker Glover White Estate, and Acknowledged Hereditament.

Washington's RPC 8.3 urges a lawyer to report misconduct, but if the lawyer does not, the lawyer will not be disciplined. Even though not subject to discipline for not reporting misconduct, during 1998, lawyers filed 125 (six percent), and judges 56 (three percent), of the 1,976 written reports of misconduct filed with the *WSBA Office of Disciplinary Counsel.*

Lawyers must themselves adhere to ethical requirements to have creditableness. *In re Himmel,* 533 N.E.2d 790 (Ill. 1988), is the leading case on requiring a lawyer to report another lawyer's misconduct.

Even though Washington's RPC 8.3 . . . "if the lawyer is admitted elsewhere, even on a limited *pro hoc vice basis,* the lawyer will be subject to other jurisdictions reporting requirements." The Respondents have/had knowledge of their violations. The terminology of the *RPC 8.3* obligation to report misconduct only applies to a lawyer "having knowledge" of a violation. The Appellees should be punished for their crime and should be made to pay for

the crimes in Meaker Glover White Estate and to Mary Ann Biddle Lovell, Petitioner.

The Respondent's misconduct raises a "substantial question" that is known misconduct. *RPC 8.3's* standard of reportable misconduct relating to a lawyer's "honesty" and "trustworthiness" likely includes such misconduct as misappropriation of client or other funds, theft, forgery, bribery, kickbacks and lack of candor . . . all other serious RPC violations.

The law states that in order to request sanction the moving party may seek any of the following orders to compel answers and sanctions: In the appellate action the Petitioner is the moving party compelling answers from the Appellee to written answer to appellant questions introduced in the district court. Respondents never addressed the real issues nor answered any questions thereto under La Code Proc Ann arts 1437 and 1448. Therefore, the Respondent lacks substantial justification. The Respondents have no power in Meaker Glover White Estate.

The legacy of the past and reality of the present lives in each of us and forms our judgment. Who are we to throw the first stone?

Due Process contemplates an exercise of the powers of government as the law permits and sanctions under recognized safeguards for the protection of individual rights.

Drafters of the U. S. Federal Constitution adopted the due process phraseology in the Fifth Amendment, ratified in 1791, which provides that "No person shall . . . be

deprived of life, liberty, or property, without due process of law." Because this amendment was held inapplicable to state actions that might violate an individual's constitutional rights, it was not until the ratification of the Fourteenth Amendment in 1868 that the several states became subject to a federally enforceable due process restraint on their legislative and procedural activities.

The meaning of due process as it relates to substantive enactment's and procedural legislation has evolved over decades of controversial interpretation by the Supreme Court. Today, if a law may reasonably be deemed to promote the public welfare and the means selected bear a reasonable relationship to the legitimate public interest, then the law has met the due process standard. If the law seeks to regulate a fundamental right, such as the right to travel or the right to vote, then this enactment must meet a stricter judicial scrutiny, known as the compelling interest test.

In determining the mentioned cases the lower courts have abused the procedural safeguards of the Due Process Clause of the 14th Amendment to the Petitioner.

STATEMENT OF CASE

A theft occurs when a person takes or uses something which does not belong to him or her without the owner's permission. It is also considered theft if a person moves something which he plans to steal or take. First, there must be an act of taking, moving, or using something without the permission or knowledge of the true owner. Second, the person taking or moving the item

must have known that the property belonged to someone else. The Respondents are guilty of both parts of the offense.

Is the court's determination supported by substantial evidence of records that are on appeal when read as a whole?

The question is whether the appellee intentionally utilized "badges of fraud" to defraud Petitioner in the request of "cost" for illegal search and seizure as detailed in the allegations.

The "Order" of the district court remains unsubstantiated. . . . "IT IS FURTHER ORDERED that Plaintiff shall not file any further frivolous civil actions in this court, under pain of additional sanctions . . . " (Order filed September 22, 2000 by Tom Stagg, United States District Judge.) Petitioner's motion filed in this caption details the mistake of law, and abuse of discretionary power. The Respondents lack a right to assert an action. Therefore, this order has no standing nor merits.

Ronald Reagan's Speech at the 1964 National Convention: A Time for Choosing: "This idea that government was beholden to the people, that it had no other source of power, is still the newest, most unique idea in all the long history of man's relation to man. This is the issue of this election: Whether we believe in our capacity for self-government or whether we abandon the American Revolution and confess that a little intellectual elite in a far-distant capital can plan our lives for us better than we can plan them ourselves."

Self defense particularly in one's house is a sensitive issue. Actually, the Police is not the US Government. The government can only do what is allowed by the constitution. State and local governing bodies usually foot the bill for police in the state, i.e., local cop, local paycheck, state cop, state paycheck. The Government does have its own forces (Marshall being the closest to "police"), all other common enforcement agencies (ATF, FBI, CIA) are federally chartered and not local . . . which means they have their own agendas.

This case surrounds a "Writ of Fieri Facias" and the facial valid, but illegal documentation disposing of estate property falsely. Sheriff Volentine is responsible for the acts of his deputies that are mentioned in this caption. His deputies flaunted the Parish's attire including a paper rolled up in their hands when requested by Plaintiff to view said document, I found the documentation to be "facial valid, but illegal." The deputies intent was to be showy in the Haynesville Neighborhood, and make it appear that they had a reason to be where they were; whereas they did not. What kind of writ was executed without due process in the Second Judicial District, of property MEAKER GLOVER WHITE ESTATE: These properties appear in the Second Judicial District, Claiborne Parish, Homer, Louisiana in the Registry Nos. 366338 and 381247 listed on the Mortgage Certificate in Civil Docket No. 32594 . . .

*366338 *387944 *382220

*381247 *393627 *372

"NE/4 of Section 16, T23N-R-cont. 160 acres (including houses) $180,000; $28,000 1988 Friendship Road, Haynesville, LA.

Appellant states that the (1980 aka 1988) Friendship Road is her domiciled residence. The other property is assets within MEAKER GLOVER White Estate.

Civil Docket No. 32594 was a "Suit On Open Account" filed in supra court on June 2, 1995, served to Mary Ann Lovell, 303 Friendship Road, Haynesville, Louisiana 71038 signed by Attorney Daniel W. Newel (#19080) Attorney for Petitioner, "Verification," Bill Copeland, Claiborne Manor Nursing Home, Administrator.

Petitioner, Mary Ann Lovell, Attorney In Fact, response dated June 12, 1995, "Mary Ann Lovell's Answer to SUIT ON OPEN ACCOUNT FILED 02 June, 1995 received, Tuesday, 06, 1995. . . . "

The question presented is whether the Fourteenth Amendment's substantive due process protection, or the Fourth Amendment's guarantee against illegal seizure, violated by Claiborne Parish Sheriff's Department who, in the course of illegal action on behalf of Claiborne Manor Nursing Home caused the removal of contents, et al.

The supra actions of the Claiborne Sheriff's Department caused harm to the Petitioner. It furthered damaged the estate of Meaker Glover White. Were the procedures and proceedings true in accordance with local, state, and federal law?

Police Power enables the states to take action to protect and promote the health, safety, morals, and general welfare of their inhabitants. The state also exercises power relating to wills and domestic relations. Was the exercise of "police power" needed in these proceedings/procedures against Appellant in her own house? Was this a prank/practical joke? Did the Respondents violate 14th, 4th, and 5th Amendment substantive due process protection?

As A. W. Pink pointed out, "God has often forgiven sinners, but He never forgives sin; and the sinner is only forgiven on the ground of Another having borne his punishment; for 'without shedding of blood is no remission.' "

The Best of Arthur W. Pink, p. 145.

SUMMARY OF ARGUMENT

"We need to provide our citizens with some measure of recourse in the event that their rights are unfairly violated," said James, chairman of the Pennsylvania Legislative Black Caucus.

This case is all about FRAUD. It denotes FRAUDULENT conduct having a purpose to deceive. It is merely negligent misrepresentation or failure to apprise another of relevant information.

In addition, this caption explores some of the property in Meaker Glover White Estate/Acknowledged Hereditaments: for example, Civil Suit No. 32594 filed in

the Second Judicial District. An "illegal search and seizure" occurred in this caption . . . There also appeared numerous "Illegal documents" throughout this subject matter within the records of supra Civil Suit No. 32594, Second Judicial District, Claiborne Parish, Louisiana.

Further this subject matter is about the preamble of the "Rules of Professional Conduct." Respondents appearing in this caption violates the Code of Professional Conduct. This behavior needs to surface to the forefront so that not only the Appellant's rights can be protected, but the public will be informed.

For example, in Civil Suit No. 32594 the inscription as it appeared on the Mtg. Bk. 351 Page 129, signed by Kenneth Volentine, Sheriff, by: Charles Etta Harris, Deputy. "Notice of Seizure" to "James Patrick Gladney – Clerk of Court. . . . Notice is hereby given, that I am this day seizing, in accordance with the provisions of La. R.S. 13:3851, through La. R.S. 13:3861, the following described property, to wit: SEE ATTACHED."

On this same supra document there is án inscription: "The property covered by this Notice of Seizure having been held under a writ of Fieri Facias issued in No. 32594 D.C." Claiborne Manor Nursing Home versus Edmund White, Jr. and Lawrence White, and the said property having been released from Seizure, cancellation of the inscription of this notice of Seizure is hereby authorized. This the 10th day of March, 2000. Abraham Lincoln, 1838: "This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the

existing government, they can exercise their constitutional right of amending it, or their revolutionary right to dismember it or overthrow it."

Petitioner reports misconduct sanctionable by a court on the named Respondents. The Washington's RPC 8.3 states that a lawyer knowing misconduct should "promptly" inform the appropriate professional authority. ANA Model RPC 8.3, on which Washington's RPC 8.3 is based, does not use the term "promptly." *U. S. v. Cantor,* 897 F. Supp. 110 (S.D.N.Y., 1995).

ARGUMENT

Andrews was, of course, rendered per curiam. I note this otherwise unremarkable fact only because reliance upon such authority appears to conflict with this Court's recent admonitions that per curiam opinions are "not legal precedent," e.g., *Elizabeth A. D. v. Hammack,* 201 W. Va. 158, 159 n.1, 494 S.E.2d 925, 926 n.1 (1997), and are "not to be cited as authority to this Court," *State ex rel. State v. Reed, W. Va.,* 514 S.E.2d 171, 173 n.4 (1999). Given the apparent confusion that these statements have caused among the bar and lower courts, see George Castelle. . . .

This case is all about the rights of the Appellant such as the Fourteenth Amendment, the need for a more solid foundation for the protection of freed men as well as white citizens were recognized, and the result was a significant new proposal – the Fourteenth Amendment. A chief exponent of the amendment, Senator Jacob M. Howard (R., Mich.), in referring to "the personal rights guaranteed and secured by the first eight amendments of the

Constitution; such as freedom of speech and of the press; . . . the right to keep and to bear arms . . . " argued that the adoption of the Fourteenth Amendment was necessary to protect these rights against state legislation. "The great object of the first section of this amendment is, therefore, to restrain the power of the States and compel them at all times to respect these great fundamental guarantees."

The Fourteenth Amendment was viewed as necessary to buttress the objectives of the Civil Rights Act of 1866. Representative George W. Julian (R., Ind.) noted that the Act:

is pronounced void by the jurists and courts of the South. Florida makes it a misdemeanor for colored men to carry weapons without a license to do so from a probate judge, and the punishment of the offense is whipping and the pillory. South Carolina has the same enactments. . . . Cunning legislative devices are being invented in most of the States to restore slavery in fact.

Administrative law is a body of law applicable to the operations of agencies established by the legislature to carry out the functions of the executive branch of government. The Federal Communications Commission and Securities and Exchange Commission are examples of such agencies in the United States.

Administrative bodies are created and given power by federal or state legislation. It is the function of administrative law to set forth the extent of this power, the limitations on it, and its applications to private individuals and groups. The law is basically concerned with whether proper standards are applied by administrative

agencies in exercising their powers and in making and enforcing regulations. If an agency does not apply the proper standards, its failure may be redressed by application to the courts.

The subject matter was addressed to The Honorable Charles B. Plattsmier, Esq., Offices of the Disciplinary Counsel, Supreme Court of Louisiana dated 4 April 2000

Louisiana Attorney Disciplinary Board addressed to the Appellant three letters regarding the issues. The litigation was pending at the time that it was filed with supra agency April 24, 2000. Therefore, the Office of Disciplinary Counsel opens various disciplinary investigations and must be denied at this time. This matter will remain only an administrative file under the number previously indicated. RE: 2000-ADMIN-244. This office will reserve the right to reconsider its decision upon the conclusion of all pending civil litigation. By Charles B. Plattsmier, Chief Disciplinary Counsel, 4000 S. Sherwood Forest Blvd., Suite 607, Baton Rouge, Louisiana 70816, (225) 293-3900 *1-800-326-8022 * Fax (225) 293-3300. Although a court may not substitute its own judgment for that of the agency in determining whether a given regulation is desirable, the court may declare the regulation a nullity if the agency, by promulgating such a regulation, has exceeded the authority conferred by the legislature. In determining that a regulation has been violated, substantial proof is required, but the agency is not bound by the laws of evidence that apply in court trials.

With the multiplication of federal administrative agencies in the U. S. during the 1930s, a means of making administrative regulations reasonably accessible to the

public became necessary. The Federal Register Act (1935) provides that all federal regulations must be published in the Federal Register, a regulation that is not published in this manner and is not binding upon persons who are unaware of its existence. Periodically, all federal regulation still in force must be codified and published in a compilation called the Code of Federal Regulations. The Administrative Procedures Act (1946) provides that before a federal agency promulgates a general regulation, interested parties must be afforded an opportunity to present their views. Another safeguard is that the investigation and prosecution of alleged violations may not be undertaken by the same persons who will render the judgment.

Appellee attempted to steal part of In Re Mrs. Meaker Glover White estate. To reassert Appellees violated Appellant's civil and constitutional rights in many proceedings and procedures that exist in Probate Dockets 7734; 7765; Second Judicial District, Claiborne Parish, Louisiana.

Evidence, clear and convincing, is contained in the "records on appeal." Appellant's filings of complaint, pleadings, statements, reports, and objections is proof that the appealing party, Plaintiff and Appellant, prevails in these proceedings and not the Appellee.

Grounds:

Partiality to Appellees-Respondents

Conflict of Interest/Quasi-Judicial Functions

Impropriety and the Appearance of Impropriety In All of the Judge's Activities.

Theft involves taking something that belongs to another person by the use of force or deception without the owner's approval. That is exactly what the transcript from the district court is all about.

The evidence of theft appears in the "records on appeal." The evidence is substantial-meaning "more than a mere scintilla." It means relevant evidence as a reasonable mind might accept as adequate to support a conclusion even if it is possible to draw two inconsistent conclusions from evidence. *Richardson v. Pearls,* 402 U.S. 389, 401 (1971); *Landes v. Royal,* 833 F.2d 1365, 1371 (9th Cir. 1987). The evidence is "Substantial" to support the Appellant's filings in this caption. *Estate of Teed,* 112 Cal. App.2d 638, 644 (1952).

Citing the case In The Supreme Court of Indiana, *In The Matter of Dwayne M. Brown, Disciplinary Action, December 30, 1998.*

Respondent Dwayne M. Brown served as the clerk of this state's appellate courts from 1991 until 1994. Today we find that his convictions of the crime of ghost employment arising from his actions while serving as clerk violate Rules 8.4(b) and (d) of the Rules of Professional Conduct for Attorneys at Law because they are criminal acts reflecting adversely on his honesty, trustworthiness, and fitness as a lawyer and because they are prejudicial to the administration of justice. We also conclude that while serving as clerk, he made unwanted and inappropriate sexual comments and advances toward female office staff in violation of Ind. Professional Conduct Rule 8.4(d). . . . The Court is the final arbiter of attorney

misconduct in attorney disciplinary cases. *Matter of Blumberg,* 695 N. E. 2d 114 (Ind. 1998). Our review is de novo in nature, and in such review we examine the entire record submitted in the case. *Matter of Lobdell,* 562 N. E.2d 17 (Ind.1990).

The Fourteenth Amendment prohibits the deprivation of liberty or property without due process of law.

A due process claim is cognizable only if there is a recognized liberty or property interest at stake. *Board of Regents v. Roth,* 408 U.S. 564, 569 (1972).

CONCLUSION

WITH MANY LAWYERS ENGAGED IN MULTI-JURISDICTIONAL PRACTICES, OFFENDING LAWYERS MAY BE HARMING CLIENTS AND THE PROFESSION IN MANY JURISDICTIONS, AND REPORTING LAWYERS MAY BE SUBJECT TO MANY DIFFERENT REPORTING REQUIREMENTS, SOME OF WHICH ARE LIKELY MANDATORY SINCE MOST OTHER JURISDICTIONS MANDATE REPORTING PROFESSIONAL MISCONDUCT.

The question remains: Does it matter where the misconduct occurred or where the other lawyer is admitted?

Violation of a law or a Rule gave rise to this action. It was created on the presumption that a legal duty has been breached. The fact that a lawyer is admitted to practice in a jurisdiction does subject him/her to the disciplinary authority of that jurisdiction although engaged in practice elsewhere.

Throughout the U. S.'s history, its constitutions, statutes and case law have provided standards for fair treatment of citizens by federal, state and local governments. These standards are known as due process. When a person is treated unfairly by the government, including the courts, he is said to have been deprived of or denied due process.

PRAYER

Appellant-Petitioner prays for JUDGMENT in these proceedings. The language of judgments therefore is not that "it is decreed," or "resolved," by the court; but "it is considered," that the plaintiff recover his debt, damages or possession as the case may require.

To be valid, a judicial judgment must be given a competent judge or court at a time and place appointed by law and in the form it requires. A judgment would be null if the judge had no jurisdiction of the matter; or having such jurisdiction, he exercised it when there was no court held, or if it be rendered a judgment before the cause was prepared for a hearing.

The judgment must confine itself to the question raised before the court and cannot extend beyond it. Judgments are particular decisions which apply only to a particular person and binds no others; they vary like the circumstances on which they are founded.

Appellant prays for fairness. Counsel seeks damages for intentional and negligent infliction of emotional distress, defamation, and invasions of privacy caused by

incidents at one of my homes under false representation of Appellee, J. Broocks Greer, through false representation of Claiborne Manor Nursing Home, "illegal search and seizure."

The Sheriff of Claiborne Manor in these proceedings acted on false pretense and should be made to render damages in the amount of one million dollars for illegal breaking and entering of my premises.

Attorneys, Respondents in this caption: J. Broocks Greer, Wayne Timmons, and John Slattery should be held accountable for their "facially valid, but false documents" throughout these proceedings and made liable for one million dollars each to the Petitioner for causing injury to Meaker Glover White Estate aka Mary Ann Biddle Lovell for throughout all of these proceedings;

That Appellees Defendants be found indebted unto Mary Ann Lovell per unspecified monetary damages, and for legal and equitable relief. Further, Plaintiff-Appellant prays for such orders of this Court which it may deem suitable, fit and proper to provide relief to Appellant. That due proceedings be had.

"We need to provide our citizens with some measure of recourse in the event that their rights are unfairly violated; . . . it is unfortunate that the notion of seeking truth and justice has been replaced by the desire to gain convictions by all means necessary; it is imperative that we work to uphold

the most important ethical mandate that prosecutors have – that is to seek justice and not just convictions," said James, Chairman of the Pennsylvania Legislative Black Caucus.

Respectfully submitted,

Counsel:
MARY ANN LOVELL
5005-58803R
United States Department
of the Treasury
Meaker Glover White Estate
726154238
MARY ANN LOVELL
Attorney in Fact
Box 119
Haynesville, Louisiana 71038
MARY ANN LOVELL
Counsel of Record

EXHIBITS

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-31285
Conference Calendar

MARY ANN BIDDLE LOVELL,
on behalf of Edmond White, Jr.,

Plaintiff-Appellant,

versus

CLAIBORNE MANOR NURSING HOME INC.;
BILL COPELAND,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 00-CV-275

(Filed Jun. 13, 2001)

Before WIENER, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

This appeal stems from a long string of frivolous lawsuits filed by Mary Ann Biddle Lovell in connection with the events surrounding the succession of Mrs.

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* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Meaker Glover White. In the instant appeal, Lovell challenges the district court's award of a $2,500 sanction pursuant to Fed. R. Civ. P. 11. She argues that (1) there existed no legal process under which sanctions could have been ordered; (2) the defendants lacked standing to request sanctions; and (3) the defendants failed to prove the assessment and fees which supported the award of sanctions.

This court ordinarily reviews the imposition of sanctions for an abuse of discretion. *See Riley v. City of Jackson, Miss.*, 99 F.3d 757, 759 (5th Cir. 1996). However, because Lovell failed to raise any of her current arguments in her objections to the magistrate judge's report and recommendation, review of the sanction order is for plain error only. *See Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc). To prevail on plain-error review, an appellant must show that (1) an error occurred, (2) the error was clear or obvious, (3) the error affected substantial rights, and (4) not correcting the error would seriously affect the fairness, integrity, or public reputation of judicial proceedings. *Highlands Ins. Co. v. National Union Fire Ins. Co. of Pittsburgh*, 27 F.3d 1027, 1031-32 (5th Cir. 1994).

Lovell has not shown plain error in connection with the sanction order. *See id.* Accordingly, the judgment of the district court is AFFIRMED. After having warned Lovell that many of her appeals were frivolous, this court sanctioned Lovell $105 for pursuing a frivolous appeal. *See Lovell v. Claiborne Manor Nursing Home*, No. 00-30735 (5th Cir. Dec. 13, 2000) (unpublished). Upon dismissing another of Lovell's appeals, this court ordered Lovell to pay a $250 sanction. *See Lovell v. Greer*, No. 00-30878 (5th

Cir. Feb. 14, 2001) (unpublished). We DIRECT the clerk of this court and the clerks of all federal district courts within this Circuit to refuse to file any *pro se* civil complaint or appeal by Lovell unless Lovell submits proof of satisfaction of the sanction imposed in both *Lovell*, No. 00-30735, and in *Lovell*, No. 00-30878.

AFFIRMED.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-31285

MARY ANN BIDDLE LOVELL,
on behalf of Edmond White, Jr.,

Plaintiff-Appellant,

v.

CLAIBORNE MANOR NURSING HOME INC.;
BILL COPELAND,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Louisiana, Shreveport

(Filed Jul. 23, 2001)

ORDER:

On July 10, 2001, the clerk provided the appellant 10 days to pay the outstanding sanction of $250 imposed in her previous appeal number 00-30878. The payment has not been received. Accordingly, IT IS ORDERED that the previously filed petition for rehearing is stricken because appellant has not complied with the direction of this Court.

/s/ Jacques L. Wiener, Jr.
JACQUES L. WIENER, JR.
UNITED STATES CIRCUIT
JUDGE

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

CHARLES R. FULBRUGE III
CLERK

TEL. 504-589-6514
600 CAMP STREET
NEW ORLEANS, LA 70130

June 25, 2001

Ms Mary Ann Lovell
PO Box 246
Haynesville, LA 71038

No. 00-31285 Lovell v. Claiborne Manor
USDC No. 00-CV-275

I enclose our receipt #059328 verifying payment of sanctions issued by this court on June 13, 2001. By copy of this letter, I also advise the district court that the sanction has been satisfied.

Also, please advise our office within seven days if the notice of intervention received with the payment is intended to be filed as your petition for rehearing. If we do not hear from you within seven days, no action will be taken on the document and the mandate will issue as scheduled.

Sincerely,

CHARLES R. FULBRUGE III, Clerk

By: /s/ Melissa Courseault
Melissa Courseault,
Deputy Clerk
504-589-6514 ITCM #162

Enclosure
cc: Mr J Broocks Greer III
Mr Robert H Shemwell, Clerk

☆ U.S. GOVERNMENT PRINTING OFFICE: 2001-665-556

AO 182 **ORIGINAL** **059328**
(Rev. 2/01)

RECEIPT FOR PAYMENT
– UNITED STATES COURT OF APPEALS –
for the
FIFTH CIRCUIT
at NEW ORLEANS, LA

RECEIVED FROM
Bancorp South
PO Box 400
Magnolia, Arkansas 71753-0400
(Mary Lovell)

GENERAL AND SPECIAL FUND

086900	Docketing Fees
322340	Sales of Publications & Opinions
322350	Copy Fees
322360	Miscellaneous (include certification fee)
510000	Special Fund Judiciary

ACCOUNT	AMOUNT
109900	105 00
TOTAL	105 00

Case Number or Other Reference

00-31285

In accordance with the Court of Appeals Fee Schedule (28 U. S. C. § 1913), there will be a $35 service charge on all returned check items. All checks, money orders, drafts, etc. are accepted subject to collection. Full credit will not be given until the negotiable instrument has been accepted by the financial institution on which it was drawn.

05694

DATE	Cash	Check	M.O.	Credit
6/25/2001		X		

DEPUTY CLERK
[Illegible]

[Certified Mail Receipt To Clerk,
U.S. Court Of Appeals, 5th Circuit]

MARY ANN BIDDLE LOVELL
Post Office Box 246
Haynesville, Louisiana 71038-0246
(870) 901-6400

June 29, 2001

Charles R. Fulbruge 111
Clerk
United States Court of Appeals
Fifth Circuit
Office of the Clerk
600 Camp Street
New Orleans, Louisiana 70130

Re: 00-31285 Lovell v. Claiborne Manor

USDC No. 00-CV-275

Charles R. Fulbruge 111: Clerk

Please be advised in accordance with the letter dated June 25, 2001, received June 27, 2001 that the notice of intervention received with the payment is intended to be filed as my petition for rehearing.

I appreciate your services. Thanks.

Respectfully submitted,

Mary Ann Biddle Lovell,
Attorney in Fact
Post Office Box 246
Haynesville, Louisiana 71038-0246
99-926; 726154238; 5005-58803R

Enclosure
cc: Mr J Broocks Greer 111
Mr Robert H Shemwell, Clerk

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

CHARLES R. FULBRUGE III
CLERK

TEL. 504-589-6514
600 CAMP STREET
NEW ORLEANS, LA 70130

July 3, 2001

Ms Mary Ann Lovell
PO Box 246
Haynesville, LA 71038

No. 00-31285 Lovell v. Claiborne Manor
USDC No. 00-CV-275

Correcting our letter dated June 25, 2001, the $105 sanction payment received on June 22, 2001, has been applied to the $105 sanction imposed in case number 00-30735 on December 13, 2000. There was no additional monetary sanction imposed in case number 00-31285. We note also that a $250 sanction imposed in case number 00-30878 remains outstanding.

By copy of this letter, I also advise the district court that the sanction has been satisfied in appeal number 00-30735.

Sincerely,

CHARLES R. FULBRUGE III, Clerk

By: /s/ Allison Lopez
Allison Lopez, Deputy Clerk

cc: Mr J Broocks Greer III
Mr Robert H Shemwell, Clerk

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

CHARLES R. FULBRUGE III
CLERK

TEL. 504-589-6514
600 CAMP STREET
NEW ORLEANS, LA 70130

July 3, 2001

Ms Mary Ann Lovell
PO Box 246
Haynesville, LA 71038

No. 00-30735 Lovell v. Claiborne Manor
USDC No. 00-CV-275

No. 00-30878 Lovell v. Greer
USDC No. 99-CV-2120

No action is being taken on your "Notice of Intervention" with attached documents referencing these cases. These cases are closed and no further rulings will be entered.

Sincerely,

CHARLES R. FULBRUGE III,
Clerk

By: /s/ Allison Lopez
Allison Lopez, Deputy
Clerk

Enclosure
cc: Mr J Broocks Greer III
Mr Curtis R Shelton

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-31285
Conference Calendar

Both Lovell No. 00-30735 & 30878

MARY ANN BIDDLE LOVELL
on behalf of Edmond White, Jr.,

Plaintiff - Appellant,

versus

CLAIBORNE MANOR NURSING HOME INC.;
BILL COPELAND,

Defendants - Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 00-CV-275

Before WIENER, DeMoss, and DENNIS, Circuit Judges,

PER CURIAM:*

Notice of Intervention

Rules and Internal Operating Procedures of the United States Court of Appeals for the Fifth Circuit

15.3.3.(a) Appealing Party: Mary Ann Biddle Lovell

Cover Sheet Only – Attached

Dated June 20, 2001

Express Mail Recept: EK671010308US

MARY ANN BIDDLE LOVELL
Post Office Box 246
Haynesville, Louisiana 71038-0246
(870) 901-6400

June 20, 2001

Charles R. Fulbruge 111
Clerk
United States Court of Appeals
Fifth Circuit
Office of the Clerk
600 Camp Street
New Orleans, Louisiana 70130

Mary Ann Biddle Lovell on behalf of Edmond White Jr.,
v
Claiborne Manor Nursing Home Inc., Bill Copeland
United States Court of Appeals 5th Circuit No. 00-31285
Conference Callendar

Office of the Clerk: Charles R. Fulbruge 111

Please find enclosed Appellant's Intervention: one original, and three copies in the above caption. Also, included is a check in the amount of $105.00 for filing fee.

I appreciate your services. Thanks.

Respectfully submitted,

Mary Ann Biddle Lovell
Attorney in Fact
Post Office Box 246
Haynesville, Louisiana 71038-0246
99-926; 726154238; 5005-58803R

[SEAL]

U.S. Department of Justice

Civil Rights Division

EXHIBIT 6

"Notice of Intervention"

Disability Rights Section
P.O. Box 66738
Washington, DC 20035-6738

May 3, 2001

M. Biddle Lovell
PO Box 119
Haynesville, LA 71038

Dear Ms. Lovell:

We have received your letter 4/24/01, which indicates that you have filed a complaint with a court or government agency. Because you have filed your complaint appropriately, this office will take no further action regarding your letter. Please accept our apology for the delay in responding to your compliant.

Sincerely,

/s/ Robyn Fairsther
Robyn Fairsther
Intake Supervisor
Disability Rights Section